

Appl. No. 10/668,867
Amdt. dated October 16, 2007
Reply to Final Office Action of August 16, 2007

**AFTER FINAL EXPEDITED PROCEDURE
REMARKS**

Claims 1 to 58 were pending in the application at the time of final examination. Claims 1 to 58 remain rejected as obvious.

Claims 1 to 4, 6 to 13, 15 to 22, 24 to 29, 35, 38, 41, 44, 47, 50 and 53 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0015703, hereinafter referred to as Madison, in view of U.S. Patent Application Publication No. 2003/0140257, hereinafter referred to as Peterka.

Applicant respectfully traverses the obviousness rejection of Claims 1, 10, 19 and 28. The rejection uses an incorrect claim interpretation, fails to consider the prior art references as a whole, and uses an inconsistent interpretation of both the claims and the references.

In these claims, the recited processes, sometimes called elements, are performed by a user device. The same user device performs all the elements and not different devices. The claims first recite "a user device" and subsequently recite "said user device" and so the claims recite that the processes are performed on the same device.

Moreover, the level of skill in the art is established by Madison and Peterka. Madison considered user devices and identified what one of skill in the art considered to be user devices. Specifically, Madison defined:

Similarly, the end user processors 102 may be any device that may be coupled to the network, including, for example, personal digital assistants, web-enabled cellular telephones, hard-wired telephones that dial into the network, mobile computers, personal computers, Internet appliances and the like.

Madison, Paragraph [0021].

Madison further defined the end user devices are different from servers as described by Madison in Paragraph [0021], i.e.,

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Furthermore, the servers described herein may be of any type, running any software, and the software modules, objects and plug-ins described herein may be written in any programming language.

Thus, Madison, as one of skill in art makes distinction between end user devices and servers. Applicant notes that while the Examiner is permitted to interpret claim limitations broadly during prosecution, the MPEP puts bounds on the breadth of such an interpretation. Specifically, "The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." (Emphasis Added.) MPEP § 2111 at pg. 2100-38. Accordingly, according to Madison, a user device as recited in these claims is different from a server. Accordingly, the broadest reasonable interpretation of "user device" as recited in these claims does not include a server.

Further, when these claims are interpreted as a whole, as required by the MPEP for an obviousness rejection, Claim 1, for example, recites three different entities that the user device directs information to or receives information from, i.e., a content provisioner, a content repository, and a target device. Thus, the claim itself, taken as a whole, makes it clear that the user device is different from the content repository and the content provisioner.

Nevertheless, the rationale for continuing the rejection stated in part:

Madison teaches a user device sending a request for digital content to a content provisioner (paragraph [008]), receiving authenticated digital content request (paragraph [009]), sending the authenticated digital content request to a content repository and receiving encrypted digital content (paragraph [0010]).

This interpretation not only contradicts the express teachings of Madison, but also is strong evidence that

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Madison was not considered as a whole as required by the MPEP.

Specifically, paragraph [0008] of Madison stated:

[0008] In operation, the web server cryptographically generates a ticket in response to an end user's request for access to a file. The ticket is based, at least in part, on a time at or near when the ticket is generated. In certain embodiments, the ticket is based on additional information, including, for example, a security time interval, or an identifier of the end user.

Paragraph [0008] described that a web server generates a ticket in response to an end user's request for access to a file. This paragraph fails to teach or suggest what device originates the end user's request. This paragraph also describes a web server, which, as noted above, Madison taught was different from an end user device. Accordingly, this paragraph fails to support the conclusions stated in the final rejection.

Paragraph [0009] of Madison stated:

[0009] Prior to a media server providing access to the requested file, the media server generates an authorization ticket, preferably using the same cryptographic algorithm as the web server. The media server authorization ticket is based, at least in part, on a time at or near when the media server receives the request for access to the file. The media server determines whether to grant access to the file by comparing the ticket, as generated by the web server, to the ticket, as generated by the media server.

This paragraph describes a media server and receipt of a request for access to a file. The media server is different from the web server and so if the web server is being considered as the user device, the operations performed by the media server are taught as being performed on a device separate and distinct from the web server. If the media server is being considered as the content repository, this paragraph fails to teach or suggest what

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device originates the file access request. Also, as noted above, Madison taught the media server was different from an end user device. Accordingly, this paragraph fails to support the conclusions stated in the final rejection independent of the interpretation used.

Paragraph [0010] of Madison stated:

[0010] In one embodiment, if the tickets do not match, then the time at which the web server generated the ticket differs from the time at which the media server generated the ticket by more than a predetermined amount, and the ticket can be logically thought to have "expired." Accordingly, the media server does not grant access to the media content. If the tickets match, then the tickets were generated within an authorized time interval, and the media server grants the end user access to the requested media content.

Again, this paragraph describes processes performed by the media server and not any process on an end user device. The most that can be inferred from these paragraphs is that an end user requests access to digital content; information generated by a web server is supplied to a media server; and if the information can be validated by the media server, the end user is allowed access to the digital content.

The rejection has failed to cite any teaching of

sending, by said user device, said authenticated digital content request including one or more delivery parameters to a content repository that provides storage for said digital content, said one or more delivery parameters identifying a target device to receive digital content referenced by said authenticated digital content request

The rejection cited Paragraphs [0033] to [0035] of Madison as teaching this process. However, these paragraphs recited:

[0033] Once the end user logs into the authentication application and the web server 106 receives the stream request and the end user ID from the end user, the web server 106 continues by dynamically generating the authentication ticket and dynamically

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generate a link to the selected content file. More specifically, under control of the authentication application, the web server 106 issues a request to the database 108 for the private key for use in generating the authorization ticket. Step 306. The web server 106 issues a database query to retrieve from the CM database 108 the private key, comprising the security key and security interval associated with the requested content file. In response, the CM database 108 returns the private key to the web server 106. Step 308.

[0034] Having obtained the private key from the database 108, the web server 106 generates the ticket. Step 310. As described more fully with reference to FIG. 4, the web server 106 utilizes the private key, stream ID, and user ID, the current time and a hash algorithm to generate the ticket. In the present embodiment, the web server 106 can use the stream ID to generate the ticket because the stream ID of the requested content is included in the stream request link activated by the end user in step 304. In alternate embodiments, however, the stream request provided by the end user includes unique identifying information other than the stream ID, such as, for example, the title, author and/or filename of the content. In such an embodiment, the web server 106 searches the Streams Table 204 and retrieves the stream ID based on the identifying information contained in the stream request. In yet another alternate embodiment, the stream request includes a unique identifier other than the stream ID, such as the filename or path, which the system uses to generate the ticket.

[0035] Once the ticket is generated, the web server 106 generates the link to the requested content on the media server 104. More specifically, based on the illustrative stream request shown above, the media player residing at the end user processor 102 makes a call to "webserver.company.com" (i.e., the web server 106) that will execute the "getstream.asp" program for dynamically generating the link to the media server 104. Step 312. One skilled in the art will recognize that although the "getstream" application has an Active Server Page (or ASP) extension, it is not necessary to use ASP technologies. Rather, any programming or scripting language or technology, such as a ".dll" component, could be used to provide the desired functionality. As with the authentication application, it is preferred, however, that the program run on the server side so as to alleviate any processing bottlenecks at the end user processor 102. The "getstream.asp" program functions to cause the web server 106 to make a call to the CM database 108 to retrieve the data necessary to dynamically generate the link to the media server 104. More specifically, the web server 106 retrieves the Hostname from the Universal Info Table 202 and the URL Prefix and Filename from the Streams Table 204. The "getstream.asp" program also appends the stream ID, the ticket and the end user ID to the end of the link. The web server 106 then returns the link to the media player at the end user processor 102. Step 314.

The actions described in these paragraphs are performed on the web server, and not on the end user device of Madison. Further, the link provided by the web server is not a link to a target device for receiving the digital content, but a link to the server providing the media.

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Accordingly, the cited paragraphs teach away from a user device "sending . . . said authenticated digital content request including one or more delivery parameters to a content repository. . . , said one or more delivery parameters identifying a target device to receive digital content referenced by said authenticated digital content request." These paragraphs fail to teach or suggest such delivery parameters and fail to teach or suggest sending the recited request. The link provided by the web server fails to teach or suggest such a target device and so teaches away from this process.

Madison, as cited in the rejection, teaches away from such a user device by using a combination of servers and teaches away from express claim limitations as discussed above. Applicant respectfully notes that another reference was combined with Madison with respect to the information being decrypted. Assuming that the combination is correct, the information from the secondary reference fails to correct the defects of the primary reference as noted above. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 1, 10, 19 and 28.

Claims 2 to 4, 6 to 9, 11 to 13, 15 to 18, 20 to 22, 24 to 27 and 29 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 4, 6 to 9, 11 to 13, 15 to 18, 20 to 22, 24 to 27 and 29.

With respect to continued obviousness rejection of Claims 35, 38, 41, 44, 47, 50 and 53, the rejection cited, stated in part:

Peterka clearly teaches that key store service could be located at different sites. In Peterka the location of generated keys depends on where the keystore is located, therefore in Peterka keys could be generated at different location (paragraph [0042]).

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Applicant respectfully traverses the anticipation rejection of each of Claims 35, 38, 41, 44, 47, 50 and 53.

Applicant respectfully submits that the above quoted rationale for continuing the rejection is further evidence that Peterka is not being considered as a whole. Specifically, Peterka did not teach that the key store service could be located on any device, but rather devices with certain characteristics, i.e.,

[0041] The KSS (301) is located at the content provider (100) site where the content is stored and pre-encrypted according to one embodiment. According to another embodiment, the KSS (301) is located in a central location not shown in FIG. 3. Yet another embodiment is that the KSS (301) resides on the same host as the pre-encryptor application (300).

There is no suggestion that the KSS can be located on the viewer of Peterka, as asserted in the above rationale. Moreover, Peterka, taken as a whole, teaches that key generation is not performed by the viewer. Peterka taught:

[0058] The method of FIG. 5 begins with the viewer sending a key request with the viewer's ticket and SRO (Session Rights Object) to the caching server (500). The caching server evaluates the SRO and ticket and determines that this viewer is authorized to receive the requested content. The caching server then generates a new subkey that it will use to re-encrypt content delivered to the viewer and returns the subkey to the viewer (501).

Thus, instead of generating any keys, the viewer according to Peterka is provided the necessary key. To move the key generation of Peterka from the caching server to the viewer would change the principles of operation of Peterka.

The MPEP directs "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01, VI at pg 2100-130. Accordingly, the MPEP provides that rationale for continuing the rejection is not sufficient.

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Putting any part of the Key Store Service on an end user device would change the principles of operation of the references. In addition, in these claims, each of the operations is performed on a single device and not the multiple devices relied upon in the rejection. The multiple devices cited in the rejection teach away from such processes and structures. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 35, 38, 41, 44, 47, 50 and 53.

Claims 5, 14, 23, 37, 40, 43, 46, 49 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Madison in view of Peterka and further in view U.S. Patent Application Publication No. 2002/0072413, hereinafter referred to as Arias.

Assuming the combination of three references is correct, the additional material relied upon from Arias fails to correct the defects of the combination of Madison and Peterka, as noted above, for the independent claim from which each of Claims 5, 14, 23, 37, 40, 43, 46, 49 and 52 depends. Thus, each of Claims 5, 14, 23, 37, 40, 43, 46, 49 and 52 distinguishes over the combination of three references for at least the same reasons as the independent claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 5, 14, 23, 37, 40, 43, 46, 49 and 52.

Claims 30 to 34, 36, 39, 42, 45, 48, 51, and 54 to 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Madison in view Peterka and further in view U.S. Patent Application Publication No. 2003/0073440, hereinafter referred to as Mukerjee.

Assuming the combination of three references is correct, the additional material relied upon from Mukerjee fails to correct the defects of the combination of Madison and Peterka, as noted above, for the independent claim from which each of Claims 30 to 34, 36, 39, 42, 45, 48, 51, and 54 to 58 depends. Thus, each of Claims 30 to 34, 36, 39,

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42, 45, 48, 51, and 54 to 58 distinguishes over the combination of three references for at least the same reasons as the independent claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 30 to 34, 36, 39, 42, 45, 48, 51, and 54 to 58.

Claims 1 to 58 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571) 273-8300, on October 16, 2007.

Respectfully submitted,




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